

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RACHELL SHEREE ABBOTT,

Defendant.

**CR-21-58-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 28, 2024. (Doc. 133.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 27, 2024. (Doc. 132.) The United States accused Rachell Sheree Abbott (Abbott) of violating the

conditions of her supervised release by: (1) on June 26, 2024, communicating or interacting with a convicted felon without the permission of her probation office; (2) on June 25, 2024, failing to comply with substance abuse testing requirements; (3) on June 26, 2024, admitting to possessing synthetic urine to be used to defeat urinalysis testing; (4) on June 26, 2024, possessing alcohol; and (5) on June 26, 2024, committing other state crimes by being charged with Criminal Possession with Intent to Distribute Dangerous Drugs, a felony, in violation of Mont. Code Ann. § 45-9-103 and Criminal Possession of Drug Paraphernalia, a misdemeanor, in violation of Mont. Code Ann. § 45-10-103. (Doc. 120.)

At the revocation hearing, Abbott admitted that she had violated the conditions of her supervised release by: (1) on June 26, 2024, communicating or interacting with a convicted felon without the permission of her probation office; (2) on June 25, 2024, failing to comply with substance abuse testing requirements; (3) on June 26, 2024, admitting to possessing synthetic urine to be used to defeat urinalysis testing; and (4) on June 26, 2024 possessing alcohol. The Government moved to dismiss allegation (5), which the Court granted. (Doc. 132.)

Judge Johnston found that the violations Abbott admitted proves to be serious and warrants revocation, and recommended that Abbott receive a custodial sentence of 3 months on Count 3, and to custody for 3 months on Count 17, with said terms to run concurrently, followed by a term of 33 months of supervised release on

Count 3, and 9 months of supervised release on Count 17, with said terms to run concurrently. (Doc. 133.) The Court advised Abbot of her right to appeal and to allocute before the undersigned, she waived those rights. (132.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 133) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Rachel Sheree Abbott be sentenced to 3 months on Count 3, and to custody for 3 months on Count 17, with said terms to run concurrently, followed by a term of 33 months of supervised release on Count 3, and 9 months of supervised release on Count 17, with said terms to run concurrently.

DATED this 29th day of August, 2024

A handwritten signature in blue ink, reading "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court